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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KEVIN SHULMAN, et al.,

Plaintiffs,

- against -

BECKER & POLIAKOFF, LLP, et al.,

Defendants.  
-----X

: 17 Civ. 9330 (VM)

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CONDITIONAL

ORDER OF DISCONTINUANCE

WITHOUT PREJUDICE

**VICTOR MARRERO, United States District Judge.**

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated February 3, 2020, a copy of which is attached, that the parties have reached an agreement in principle to resolve this action without further litigation, it is hereby

**ORDERED**, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time plaintiffs may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendants shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten

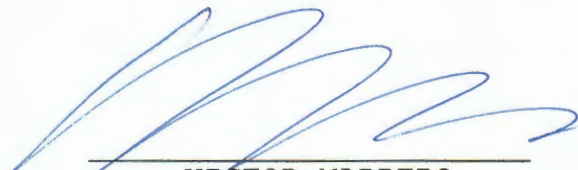
days of the plaintiffs' application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that plaintiffs have not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court scheduled are canceled but shall be rescheduled as set forth above in the event plaintiffs notify the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to terminate any pending motions and to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
04 February 2020



VICTOR MARRERO  
U.S.D.J.



Attorneys at Law

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February 3, 2020

Via ECF

Honorable James L. Cott  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl St., Room 21D  
New York, NY 10007

Re: *Shulman, Kevin, et al. v. Becker & Poliakoff, LLP, et al.*  
Docket No. : 17-cv-9330-VM-JLC  
Our File No. : 3716-103784

Dear Magistrate Judge Cott:

We represent defendant/third-party plaintiff, Helen Davis Chaitman. We respectfully submit this letter in response to the Court's request for a status update on the mediation conducted January 31, 2020.

We believe the parties have reached a resolution and are in the process of circulating documentation. It is requested that the Court adjourn all pending dates for a period of thirty days in order that the settlement may be finalized.

Thank you for your kind consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marian C. Rice', written in a cursive style.

MARIAN C. RICE

MCR/dm  
cc: All counsel *via ECF*